

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LIEUTENANT SHARON ROBINSON,)
DIRECTOR WINONA HANNAH,)
SERGEANT MARCELLA SAWYER,)
TELECOMMUNICATIONS CARLA)
KIMBER, SERGEANT VERONICA) Case No. 19-cv-00395
HARRIS and OFFICER LAWANDA)
BURRAS,) Honorable Martha M. Pacold
)
Plaintiffs,)
)
v.)
)
CHICAGO STATE UNIVERSITY,)
CAPTAIN JAMES MADDOX, individually)
and in his official capacity, LIEUTENANT)
CHARLES STEWARD, individually and in)
his official capacity,)
)
Defendants.)

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME
TO FILE RESPONSE TO AMENDED COMPLAINT AND FOR STAY OF
MANDATORY INITIAL DISCOVERY PILOT PROGRAM DISCLOSURES**

Defendants Chicago State University, Captain James Maddox, and Lieutenant Charles Steward¹ (collectively “Defendants”), by and through their attorneys Husch Blackwell LLP, move for an extension of time to file their Motion to Dismiss Plaintiffs’ Amended Complaint and to comply with the Court’s Mandatory Initial Discovery Pilot (“MIDP”). In support of their Motion, Defendants state as follows:

1. On January 18, 2019, Plaintiffs filed a 31 page Complaint, composed of more than 107 paragraphs. (Dkt. 1). Defendants were given a 28 day extension of time to file their

¹ Defendant Steward, who is no longer employed at Chicago State, has not been served with the summons or Complaint. This motion should not be construed as acceptance of service on behalf of Defendant Steward.

responsive pleading. (Dkt. 10). Defendants' Motion to Dismiss was filed March 29, 2019. (Dkt. 11).

2. By order of this Court, Plaintiffs were given 53 days to file their response to Defendants' Motion to Dismiss. (Dkt. 17). On May 21, 2019, Plaintiffs filed their Response in Opposition to Defendants' Motion to Dismiss ("Plaintiffs' Response"). (Dkt. 18).
3. Pursuant to a Court Order, Defendants filed their Reply in Support of Their Motion to Dismiss on June 10, 2019. (Dkt. 26).
4. On July 18, 2019, Plaintiffs filed their Sur-Reply in Opposition to Defendants' Motion Dismiss. (Dkt. 38).
5. On July 30, 2019, Judge Feinerman granted in part and denied in part Defendants' Motion to Dismiss. (Dkt. 40).
6. Plaintiffs were given until August 20, 2019 to file an Amended Complaint if they so choose. (Dkt. 40).
7. Judge Feinerman also ordered that Defendants' response to either the remaining claims in Plaintiffs' Complaint or to Plaintiffs' potential Amended Complaint would be due September 5, 2019. (Dkt. 40).
8. Judge Feinerman also ordered that the parties' MIDP disclosures would be due September 9, 2019. (Dkt. 40).
9. On August 20, 2019, Plaintiffs' filed their 33 page Amended Complaint consisting of 127 allegations, many with multiple subparts. (Dkt. 41).
10. On August 23, 2019, pursuant to an Executive Committee Order, this case was reassigned as part of the Honorable Martha M. Pacold's docket. (Dkt. 42).

11. On August 26, 2019, Judge Feinerman entered a minute entry striking an upcoming status conference and directing the parties to contact Judge Pacold regarding any further proceedings.
12. Defendants intend to file a second Motion to Dismiss.
13. Federal Rule 12 provides at least 21 days for Defendants to respond to a complaint, whereas the September 5, 2019 deadline set by Judge Feinerman (Dkt. 40), only provided Defendants with 16 days to respond to Plaintiffs' Amended Complaint.
14. Moreover, due to the length of Plaintiffs' Amended Complaint, the amount of newly added allegations, and the need to determine if these allegations alter Defendants' prior legal arguments, however, Defendants request additional time in order to fully analyze Plaintiffs' Amended Complaint, research any impact on prior legal arguments, and file a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12.
15. Accordingly, Defendants request an extension of two weeks to file their Motion to Dismiss Plaintiffs' Amended Complaint, to and including September 19, 2019.
16. This request for an extension of time is made in good faith, will not prejudice either party, and is not intended to cause any undue delay.
17. Defendants also request that the Court stay any requirement to make disclosures under the MIDP until the Court rules upon the Motion to Dismiss referenced above.
18. Last year, the Court amended the rules governing the MIDP so that MIDP disclosures are not required while a motion to dismiss is pending. *See* Amended Standing Order Regarding Mandatory Initial Discovery Pilot Project (N.D. Ill., Dec. 1, 2018) (MIDP is not triggered until an Answer is filed pursuant to Federal Rule 12(a)).

19. Because some, if not all, of Plaintiffs' claims in the Amended Complaint may be dismissed as a result of Defendants' Motion to Dismiss, MIDP disclosures would be premature and may lead to unnecessary costs and burden for all parties.
20. Accordingly, Defendants' request that the Court stay any requirement to serve MIDP disclosures until after Defendants' Motion to Dismiss is resolved.
21. This request for stay of MIDP disclosures is made in good faith, will not prejudice the parties, and is not intended to cause any undue delay.
22. The undersigned counsel has attempted to confer with Plaintiffs' counsel, but received any automated message that counsel is out until September 4, 2019.

WHEREFORE, for the reasons stated above, Defendants respectfully request an extension of time of two weeks days to file their Motion to Dismiss Plaintiffs' Amended Complaint, to and including September 19, 2019, and for a stay of MIDP disclosure responses until after Defendants' Motion to Dismiss can be ruled upon.

Dated: September 3, 2019

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Lisa J. Parker

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that on the 3rd day of September 2019, a copy of the above and foregoing document was filed with the Clerk of Court using the CM/ECF system which sent electronic notification of such filing to all those individuals currently electronically registered with the Court.

/s/ Lisa J. Parker